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| IN RE APPLICATION OF: Darrell S. Dunn, et al. | ATTY DKT NO.: P-17.142 |
| SERIAL NO.: 10/799,247 | GROUP ART UNIT: 1753 |
| FILED: March 12, 2004 | EXAMINER: tba |
| TITLE: Semi-Permanent Reference Electrode | |
| TO: Mail Stop Issue Fee Commissioner of Patents and Trademarks P.O. Box 1450 Alexandria, VA 22313-1450 | |

**PETITION TO WITHDRAW THE HOLDING
OF ABANDONMENT OR, IN THE ALTERNATIVE, TO
REVIVE AN UNINTENTIONALLY-ABANDONED APPLICATION**

This correspondence is being filed in response to the Notice of Abandonment Under 37 CFR §1.53(f) or (g) ("Notice of Abandonment") for the above-referenced application, which was mailed on March 28, 2006 and received by Applicant on March 30, 2006, a copy of which is attached hereto as Exhibit A. Such Notice of Abandonment states that the above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts of Nonprovisional Application mailed May 27, 2004 ("Notice to File Missing Parts"), a copy of which is attached hereto as Exhibit B. The Notice to File Missing Parts stated that the oath or declaration was missing and, in order to avoid abandonment, a properly-signed oath or declaration and \$65 surcharge should be filed within two (2) months.

While Applicant did not submit an oath or declaration with the initial filing of the non-provisional application on March 12, 2004, a Combined Declaration and Power of Attorney was filed by Applicant on April 27, 2004. Since the declaration was filed one (1) month

prior to the Notice to File Missing Parts being mailed to Applicant on May 27, 2004, Applicant believes that it was, in fact, timely and properly filed with the U.S. Patent & Trademark Office. Therefore, the Notice to File Missing Parts and subsequent Notice of Abandonment were both sent to Applicant in error.

I. Petition to Withdraw the Holding of Abandonment Under 37 CFR §1.181

On March 30, 2006, Applicant received a Notice of Abandonment Under 37 CFR §1.53(f) or (g) ("Notice of Abandonment"), stating that Applicant failed to timely or properly reply to the Notice to File Missing Parts (mailed 05/27/2004). Although Applicant failed to respond to the Notice to File Missing Parts, Applicant asserts that all of the necessary documentation for this Application was submitted in a timely and proper manner prior to Applicant's receipt of the Notice to File Missing Parts and/or the subsequent Notice of Abandonment.

To satisfy the requirements of 37 CFR §1.181(a), Applicant submits this Petition to Withdraw the Holding of Abandonment ("Petition to Withdraw") along with a true and correct copy of the originally-filed declaration and all accompanying documents, as follows:

1. Applicant's correspondence to the U.S. Patent & Trademark Office (attached hereto as Exhibit C);
2. Combined Declaration and Power of Attorney (attached hereto as Exhibit D);
3. Express Mail Label No. EV 400363417 (attached hereto as Exhibit E);
4. Applicant's Certificate of Mailing (attached hereto as Exhibit F); and
5. Acknowledgment card reflecting the OIPE Patent & Trademark Office's seal with the date "April 27, 2004" in the center and a "Received May 3, 2004" stamp (attached as Exhibit G).

Based upon the absence of any missing parts for the above-identified nonprovisional application and the erroneous nature of the Notice to File Missing Parts and subsequent Notice of Abandonment issued, Applicant respectfully requests that the Office

of Petitions of the U.S. Patent & Trademark Office accept the declaration filed on April 27, 2004 as being timely and properly filed and, accordingly, withdraw the holding of abandonment.

II. Petition, *in the Alternative*, to Revive an Abandoned Application

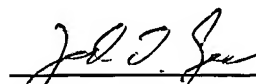
If, for any reason, the Commissioner chooses not to grant the Petition to Withdraw, Applicant asks that the Commissioner grant Applicant's *alternative* petition to revive the application as unintentionally abandoned.

The entire delay in filing any required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

In the event the Office of Petitions disallows Applicant's Petition to Withhold, but reconsiders the application under Applicant's Petition to Revive, a \$750 petition fee and a \$65 surcharge late filing fee will be due. The Commissioner is hereby authorized to charge both fees and any other required fees or credit any overpayments to the Gunn & Lee, P.C. deposit account no. 50-0808. No terminal disclaimer is required by 37 CFR 1.137(d).

If there are any deficiencies in this Petition or the accompanying papers, and a telephone conference would help remove such impediments, a telephone conference is respectfully requested.

Respectfully submitted,



Ted D. Lee

Reg. No. 25,189

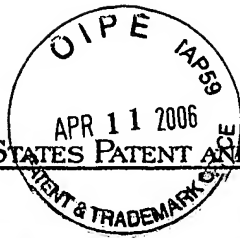
GUNN & LEE, P.C.

700 N. St. Mary's Street, Suite 1500

San Antonio, Texas 78205

(210) 886-9500

(210) 886-9883



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-----------------------|-----------------------|------------------------|
| 10/799,247 | 03/12/2004 | Darrell S. Dunn | P-17.142 |

CONFIRMATION NO. 8207
ABANDONMENT/TERMINATION
LETTER

30553
 GUNN, LEE & HANOR
 700 N. ST. MARY'S STREET
 SUITE 1500
 SAN ANTONIO, TX 78205

Date Mailed: 03/28/2006

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 05/27/2004.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-

identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (571) 272-3282.

*A copy of this notice **MUST** be returned with the reply.*

8138
Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382
PART 2 - COPY TO BE RETURNED WITH RESPONSE



EV 400363417 US

**EXPRES
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|---|---|--|
| 95 ZIP Code 415216 | Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second | Flat Rate Envelope <input type="checkbox"/> |
| Date In Mo. Day Year 4 27 06 | <input type="checkbox"/> 2 Noon <input type="checkbox"/> 3 PM | Postage \$ |
| Time In <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM 1930 | Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day | Return Receipt Fee |
| Weight lbs. 3 ozs. | Int'l Alpha Country Code | COD Fee Insurance Fee |
| No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday | Acceptance Clerk Initials EC | Total Postage & Fees \$ 13.05 |

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| Mo. Day | <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM | |
| Delivery Attempt | Time | Employee Signature |
| Mo. Day | <input type="checkbox"/> AM <input type="checkbox"/> PM | |
| Delivery Date | Time | Employee Signature |
| Mo. Day | <input type="checkbox"/> AM <input type="checkbox"/> PM | |
| <input type="checkbox"/> NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday | | |

Customer Signature

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Federal Agency Acct. No. or
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GUNN & LEE, PC
700 N SAINT MARYS ST STE 1500
SAN ANTONIO TX 78205-3541

P-17142

4/27/06

TO: (PLEASE PRINT)

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COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450**PRESS HARD.**

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FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com

~~IN THE U.S. PATENT & TRADEMARK OFFICE~~

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P-17.142

Atty: TDL

MAY 03 2004

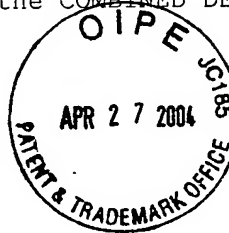
Inventors: Darrell S. Dunn and Christopher Sean Brossia

Serial No.: 10/799247

Filed: March 12, 2004

Title: Semi-Permanent Reference Electrode

The date stamp of the U.S. Patent and Trademark Office will
acknowledge receipt of the COMBINED DECLARATION AND
POWER OF ATTORNEY.



SwRI ID #2946



PTO/SB92 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:
EV 400363417 US

Assistant Commissioner for Patents
Washington, D.C. 20231

EV400363417US

on April 27, 2004

Date


Signature

SHIRLEY MCINTYRE

Typed or printed name of person of signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

1. Combined Declaration and Power of Attorney
2. Acknowledgment postcard

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.